

From: [Thomas Nystrom](#)
To: [Messer, Orville Darwin SWF](#)
Subject: Re: SWF-2010-00246; Marshall Lignite Mine (UNCLASSIFIED)
Date: Thursday, July 05, 2012 2:27:38 PM

Darvin:

EPA has reviewed the subject LOP-3 request and has several concerns that need to be addressed before we concur with use of LOP-3 for the mining project. These concerns deal with stream restoration practices for the Marshall Mine. Region-wide we have seen, at the request of the involved agencies, an improvement in the approaches taken to restore streams post-mining. The process of improving post-mining streams needs to begin early in the planning sequence, so that adequate slopes can be established and stream channels built that will then naturally develop beneficial characteristics. We would like to see this approach more fully embraced at the Marshall Mine as described in their application. The current language, including the phrase "Each location is assessed and the appropriate practices, techniques, or structures applied as necessary" does not provide adequate assurance that a well planned stream restoration program has been considered. This worrisome statement could allow for no advance planning for stream alignment at all, just a post-reclamation assessment of topography, a grading plan, and construction of water control structures to control erosion between short stream-like segments of minimal value other than water conveyance. Figure 1 Conceptual Plans for Wetland Restoration appears to show a stream channel segment that flows from structure to structure in just such a manner.

Prior to EPA's concurrence on the use of LOP-3, we request more assurance that the restored mined lands will contain fully functioning stream corridors. I will be out of the office from this afternoon until July 16. While I will attempt to check email periodically, if you need to contact me before the 16th please call 817 781-9831 and leave a voice or text message which I will answer as soon as possible.

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Date: 06/20/2012 02:48 PM
Subject: SWF-2010-00246; Marshall Lignite Mine (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Resource Agencies,

The subject project is proposed for coverage under LOP-3. The applicant/consultant has provided a copy of the application under separate cover to each of your agencies. Please reply ASAP if you have NOT received your copy. Per the Evaluation Procedures of LOP-3, I request your agency's decision relative to concurrence by the COB Thursday July 5, 2012. Thank you.

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